

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

| | | |
|--|--|---|
| Applicant's or agent's file reference 2755.045WO1 | FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below. | |
| International application No. PCT/US2008/010487 | International filing date (day/month/year) 05/09/2008 | (Earliest) Priority Date (day/month/year) 07/09/2007 |
| Applicant QLT PLUG DELIVERY, INC. | | |

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 5 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☒ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☒ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. _____
☐ as suggested by the applicant
☐ as selected by this Authority, because the applicant failed to suggest a figure
☐ as selected by this Authority, because this figure better characterizes the invention
 b. ☒ none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No

PCT/US2008/010487

A. CLASSIFICATION OF SUBJECT MATTER

INV. A61K9/00 A61M5/14 A61F2/02 A61F9/00

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, CHEM ABS Data

C. DOCUMENTS CONSIDERED TO BE RELEVANT

| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
|-----------|--|-----------------------|
| X | WO 03/022242 A (SMART DRUG SYSTEMS INC.) 20 March 2003 (2003-03-20) the whole document | 1-299 |
| A | WO 02/058667 A (BAUSCH & LOMB INC.) 1 August 2002 (2002-08-01) the whole document | 1-299 |
| A | US 2006/020248 A1 (A. PRESCOTT) 26 January 2006 (2006-01-26) the whole document | 1-299 |
| X | US 5 283 063 A (J. FREEMAN) 1 February 1994 (1994-02-01) the whole document | 1-299 |
| | ----- -/-- | |

☒ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents:

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

Z document member of the same patent family

Date of the actual completion of the international search

15 May 2009

Date of mailing of the international search report

25/05/2009

Name and mailing address of the ISA/

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Glikman, J

INTERNATIONAL SEARCH REPORT

International application No

PCT/US2008/010487

| C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT | | |
|--|--|-----------------------|
| Category* | Citation of document, with indication, where appropriate, of the relevant passages | Relevant to claim No. |
| A | WO 2006/057859 A (THERAKINE CORP.) 1 June 2006 (2006-06-01) the whole document ----- | 1-299 |
| X,P | WO 2007/115259 A (FORSIGHT LABS, LLC) 11 October 2007 (2007-10-11) paragraph [0178]; claims 1-47 ----- | 1-299 |
| X,P | WO 2008/094989 A (ALCON RESEARCH, LTD) 7 August 2008 (2008-08-07) the whole document ----- | 1-299 |
| L,P | US 2007/243230 A1 (E. DE JUAN ET AL.) 18 October 2007 (2007-10-18) cited in the application the whole document ----- | 1 |

INTERNATIONAL SEARCH REPORT

International application No.
PCT/US2008/010487

Box No. II Observations where certain claims were found unsearchable (Continuation of item 2 of first sheet)

This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☒ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:

Although claims 273-278 are directed to a method of treatment of the human/animal body, the search has been carried out and based on the alleged effects of the devices.
2. ☐ Claims Nos.:
because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box No. III Observations where unity of invention is lacking (Continuation of item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

1. ☐ As all required additional search fees were timely paid by the applicant, this international search report covers allsearchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fees, this Authority did not invite payment of additional fees.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest and, where applicable, the payment of a protest fee.
- ☐ The additional search fees were accompanied by the applicant's protest but the applicable protest fee was not paid within the time limit specified in the invitation.
- ☐ No protest accompanied the payment of additional search fees.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2008/010487

| Patent document cited in search report | | Publication date | Patent family member(s) | Publication date |
|---|----|---------------------|--|--|
| WO 03022242 | A | 20-03-2003 | BR 0212052 A CA 2452194 A1 CN 1541090 A EP 1424994 A1 JP 2005505557 T NZ 530550 A US 2004234572 A1 | 17-08-2004 20-03-2003 27-10-2004 09-06-2004 24-02-2005 26-11-2004 25-11-2004 |
| WO 02058667 | A | 01-08-2002 | CA 2433528 A1 EP 1365738 A2 JP 2004520900 T | 01-08-2002 03-12-2003 15-07-2004 |
| US 2006020248 | A1 | 26-01-2006 | NONE | |
| US 5283063 | A | 01-02-1994 | NONE | |
| WO 2006057859 | A | 01-06-2006 | AU 2005309854 A1 BR PI0518582 A2 CA 2588449 A1 CN 101132800 A EP 1827462 A1 JP 2008521489 T KR 20080016780 A | 01-06-2006 25-11-2008 01-06-2006 27-02-2008 05-09-2007 26-06-2008 22-02-2008 |
| WO 2007115259 | A | 11-10-2007 | AU 2007234445 A1 AU 2007234447 A1 CA 2648066 A1 CA 2648421 A1 EP 2010096 A2 EP 2004172 A2 KR 20090006153 A US 2009092654 A1 US 2007269487 A1 WO 2007115261 A2 | 11-10-2007 11-10-2007 11-10-2007 11-10-2007 07-01-2009 24-12-2008 14-01-2009 09-04-2009 22-11-2007 11-10-2007 |
| WO 2008094989 | A | 07-08-2008 | CL 3062008 A1 US 2008181930 A1 UY 30883 A1 | 05-09-2008 31-07-2008 31-05-2008 |
| US 2007243230 | A1 | 18-10-2007 | NONE | |